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MAY 10 2005

OFFICE OF PETITIONS

In re Application of :
Stephen O. Friend, Edward W.S. :
Bryant and Harold C. Fowler : DECISION REFUSING STATUS
Application No. 09/882,464 : UNDER 37 CFR 1.47(a)
Filed: June 14, 2001 :
For: MULTILAYERED POLYMERIC
STRUCTURE

This is in response to the "Request for Reconsideration of
Petition Under 37 CFR 1.47(a)," filed May 2, 2005.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of
this decision to reply, correcting the below-noted deficiencies.
Any reply should be entitled "Request for Reconsideration of
Petition Under 37 CFR 1.47(a)," and should only address the
deficiencies noted below, except that the reply may include an
oath or declaration executed by the non-signing inventor.
FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.
Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 14, 2001
without an executed oath or declaration and naming Stephen O.
Friend, Edward W.S. Bryant and Harold C. Fowler as joint
inventors.

Accordingly, on July 5, 2001, a "Notice to File Missing Parts of
Application" was mailed, requiring an executed oath or
declaration, and a surcharge for its late filing.

In response, on February 4, 2002, the original petition was
filed.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

Applicant lacks items (2), as set forth above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration submitted May 2, 2005 is not signed. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 is REQUIRED. See MPEP 409.03(a).

Please note, the \$200.00 petition fee, submitted May 2, 2005, is unnecessary and will be refunded to deposit account no. 50-0540.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 Box 1450
 Alexandria, VA 22313

By FAX: (703) 872-9306
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3228.

A handwritten signature in dark ink, appearing to read 'E. J. Tannouse', followed by a long horizontal line.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office